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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,086	07/27/2001	Thorsten Dirks	3457-66PUS	2723

7590 03/03/2003

Thomas C Pontani
Cohen Pontani Lieberman & Pavane
551 Fifth Avenue Suite 1210
New York, NY 10176

EXAMINER

STEPHENSON, DANIEL P

ART UNIT

PAPER NUMBER

3672

DATE MAILED: 03/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/763,086

Applicant(s)

DIRKS ET AL.

Examiner

Daniel P Stephenson

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-63 is/are pending in the application.
- 4a) Of the above claim(s) 53-57, 59 and 62 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 58, 60, 61 and 63 is/are allowed.
- 6) ☒ Claim(s) 31-38, 41 and 46-50 is/are rejected.
- 7) ☒ Claim(s) 39, 40, 42-45, 51 and 52 is/are objected to.
- 8) ☒ Claim(s) 53-57, 59 and 62 are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 3672

DETAILED ACTION

Election/Restrictions

1. Upon further scrutiny of the application the examiner realized that claims 59 and 62 are dependant upon claim 53 that is part of non-elected group II. Therefore, since group II was not elected then these claims will be withdrawn from consideration in addition to claims 53-57. The examiner apologizes for any inconvenience this may have caused the attorney.
2. Applicant's election of Group I, claims 31-52, 58, 60, 61 and 63 in Paper No. 7 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse. (MPEP § 818.03(a)).

Specification

3. The disclosure is objected to because of the following informalities: the term "multiply rove" on line 14 of amended page 2a is unclear.
4. The term "lacuna" on line 17 of page 7 is unknown to the examiner and should be deleted or replaced with a common term.
5. The term "not shown" on line 17 of page 17 is clear as to what it references.
Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 3672

7. Claims 36-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 36 claims dependency from claim 1 which was previously cancelled. For purposes of examination claim 36 is assumed to be dependant from claim 31.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 31, 32, 34 and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Haberer. Haberer discloses a drilling machine that has a base (11) located upon a live ring (13), a top drive (20), a guide (18), and a gripper (32). The top drive is movable codirectionally with the longitudinal axis of the base on said guide. In addition the gripper is able to move perpendicular to the axis of the base. The base is movable along said live ring. Means for turning, i.e. pivoting, the base along the live ring are inferred from the figures. The top drive is rotatable about an axis parallel to the base longitudinal axis.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3672

11. Claims 31-35, 41 and 46-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over the EPO document '210 to Willis in view of Dysarz. EPO '210 discloses a drilling machine that has a base, a crown block, a top drive, a guide, and a gripper. The top drive is movable codirectionally with the longitudinal axis of the base on said guide. In addition the gripper is able to move perpendicular to the axis of the base. The base is movable along said live ring. Means for pivoting the base are provided. A pipe-handling device is provided in proximity with the base. EPO '210 does not disclose that the rig is mounted upon a live ring nor does it disclose that the base is able to move on said live ring. In addition it does not disclose that there is a guide through the live ring to guide a tubular. Dysarz discloses a rig in which a standard drilling apparatus is mounted on a movable ring so that it may be adjusted as needed. There is a guide hole (52) located at the base of the drill string to guide anything going through the rig. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the rig of EPO '210 with the ring and guide hole of Dysarz. This would be done so that the derrick could be easily moved so that multiple drilling locations could be utilized. Neither EPO '210 nor Dysarz discloses that there is a drum carried on the base of the rig for storage, nor do they disclose that two rigs are to be used on the same platform.

With regards to claim 47, it is notoriously conventional in the drilling art to provide containers on the drilling rig for any necessary material. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to place a drum on the base of the apparatus of EPO '210 in view of Dysarz for storage of materials. This would be done so that operators of the rig would be able to locate equipment fast and easily.

Art Unit: 3672

With regards to claims 48-50, it is held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.* 193 USPQ 8. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use two of the rigs of EPO '210 in view of Dysarz working over the same hole. This would be done to speed the operation being performed and decrease down time in case of failure.

12. Claims 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over EPO '210 in view of Dysarz as applied to claim 31 above, and further in view of Hashimoto. EPO '210 in view of Dysarz shows all the limitations of the claimed invention, except, EPO '210 in view of Dysarz does not show that there is a winch and a return roller provided on the frame for lifting the frame pivotally. Nor do they show that the motor to drive this winch is electric with a transmission. Hashimoto provides a derrick that is raised through the use of a winch and roller with an electric motor. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the winch and motor of Hashimoto with the rig of EPO '210 in view of Dysarz. This would be done so that there was an alternative form of pivoting the frame if hydraulic lifting were for some reason undesirable.

Allowable Subject Matter

13. Claims 58, 60, 61 and 63 are allowed.

14. Claims 39, 40, 42-45, 51 and 52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 3672


Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Eklof et al., Roodenberg, Rich et al., Suksumake and the British document '176 to Morris et al. all show similar elements to those of the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel P Stephenson whose telephone number is (703) 605-4969. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on (703) 308-2151. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1020.


David Bagnell
Supervisory Patent Examiner
Art Unit 3672

DPS *pps*
February 24, 2003